

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: McKenzie Dean	Team: Squad #16	CCRB Case #: 202200672	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/02/2022 11:00 PM	Location of Incident: § 87(2)(b)	18 Mo. SOL 8/2/2023	Precinct: 122		
Date/Time CV Reported Thu, 02/03/2022 8:06 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 02/03/2022 8:06 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. PO Richard Defrancesco	28256	965033	122 PCT
2. PO Besmir Sejdaras	04103	964761	122 PCT

Officer(s)	Allegation	Investigator Recommendation
A. PO Richard Defrancesco	Discourtesy: Police Officer Richard Defrancesco spoke discourteously to § 87(2)(b)	§ 87(2)(g), § 87(4-b)
B. PO Richard Defrancesco	Abuse: Police Officer Richard Defrancesco threatened to arrest § 87(2)(b)	§ 87(2)(g), § 87(4-b)
C. PO Richard Defrancesco	Abuse: Police Officer Richard Defrancesco forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
D. PO Besmir Sejdaras	Abuse: Police Officer Besmir Sejdaras forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)

### Case Summary

On February 3<sup>rd</sup>, 2022, § 87(2)(b) filed this complaint with the CCRB via the Call Processing System.

On February 2<sup>nd</sup>, 2022, at approximately 11 PM, § 87(2)(b) was with his girlfriend, § 87(2)(b) in their apartment located at § 87(2)(b) in Staten Island, when they got into an argument after they had been drinking. § 87(2)(b) called 911 and said that § 87(2)(b) was attacking him. PO Richard Defrancesco and PO Besmir Sejdaras, both of the 122<sup>nd</sup> Precinct, arrived. PO Defrancesco told § 87(2)(b) “So, she threw a pillow at you or some shit?” and, “Every time I come here, I get the same goddamn shit” (**Allegation A: Discourtesy**, § 87(2)(g)). PO Defrancesco told § 87(2)(b) that if the officers had to come back to the location, then everybody was going to jail (**Allegation B: Abuse of Authority**, § 87(2)(g)). EMS arrived at the apartment. § 87(2)(b) and § 87(2)(b) agreed to separate from each other and the officers and the EMTs left. While PO Defrancesco and PO Sejdaras were sitting in their vehicle outside, § 87(2)(b) approached them and told them that she did not feel safe with § 87(2)(b) and he would not leave her alone. PO Defrancesco and PO Sejdaras returned to the apartment and removed § 87(2)(b) to § 87(2)(b) Hospital for intoxication (**Allegations C and D: Abuse of Authority**, § 87(2)(g)). No civilians were arrested or summonsed during the incident.

§ 87(2)(g), § 87(4-b)

BWC footage was received from the cameras of PO Defrancesco and PO Sejdaras (**BR 01-04**).

### Findings and Recommendations

**Allegation (A) Discourtesy: Police Officer Richard Defrancesco spoke discourteously to § 87(2)(b)**

It is undisputed that § 87(2)(b) was intoxicated, and he called 911 because he and § 87(2)(b) got into an argument after she threw a pillow at him. Although § 87(2)(b) (**BR 06**) made no mention of PO Defrancesco using any profanity during the incident, BWC captures PO Defrancesco saying, “shit,” while speaking with § 87(2)(b).

§ 87(2)(b) declined to provide a statement to the investigation.

PO Defrancesco (**BR 08**) acknowledged saying “shit” during the incident and explained that he tries to relate to people, that he used profanity for emphasis of what he was saying to get his point across, and that his use of profanity was not out of malice. There was no other reason PO Defrancesco used profanity during the incident. PO Defrancesco stated that he was speaking with two drunk people, and he had to speak with them like they were kids and show them that he was not playing around. PO Defrancesco explained that sometimes being sweet to people works, but he learned in the academy that if you must use profanity to get a point across, then you can do so.

At 04:25 into PO Defrancesco’s BWC footage (**BR 01**), the officers enter the apartment. § 87(2)(b) is standing in the living room and is not interacting with § 87(2)(b) who is in the bedroom. At 05:17, PO Defrancesco is speaking with § 87(2)(b) in the living room, and he tells her that he has been there before. § 87(2)(b) says, “Everybody’s been here.” At 05:42, PO Defrancesco asks § 87(2)(b) if she and § 87(2)(b) had been drinking and says that the last time he was there, he saw them drinking. § 87(2)(b) confirms that they had been drinking. At 06:05, § 87(2)(b) tells PO Defrancesco that she threw a pillow at § 87(2)(b). At 06:40, PO Defrancesco is speaking with § 87(2)(b) in his bedroom as he is in bed. PO Defrancesco says, “So, she threw a pillow at you or some shit?” § 87(2)(b) says § 87(2)(b) hit him in the face. PO Defrancesco asks § 87(2)(b) what is going on and § 87(2)(b) says § 87(2)(b) is attacking him. PO Defrancesco says he needs to know the story of what is going on. § 87(2)(b) says, “Here’s the story. I work she don’t work.” PO Defrancesco asks if he is there because § 87(2)(b) does not work. At 07:23, § 87(2)(b)

§ 87(2)(b) gets up from the bed and says, “I’m 52-years-old Bro, you’re fucking 22, probably” as he approaches PO DeFrancesco. PO DeFrancesco tells § 87(2)(b) not to approach him. At 07:36, § 87(2)(b) returns to the bed and says, “Close the fucking door. I’m gonna call another police. I want a sergeant here.” § 87(2)(b) is slurring as he speaks with PO DeFrancesco. At 07:57, PO DeFrancesco says, “I asked you what happened today. Because I’ve been here before and every time I come here, I get the same goddamn shit.” PO DeFrancesco asks § 87(2)(b) how much he and § 87(2)(b) had to drink because he can smell alcohol on them.

Patrol Guide Procedure 200-02 (BR 10) states members of service must respect the dignity of each individual and render services with courtesy and civility. Officers may use profanities “in the context of a dynamic situation over which [he or she is] attempting to gain control,” but may not do so when it “[serves] no legitimate purpose but to belittle” a civilian, DCT Case Number 2015-15012 (BR 09).

§ 87(2)(g) when the officers arrived on scene, § 87(2)(b) and § 87(2)(b) were separated in different rooms and the scene was under control, that PO DeFrancesco’s use of profanity was not in furtherance of any law enforcement function and was, instead, in reference to the actions § 87(2)(b) took before the officers arrived and PO DeFrancesco’s past experiences at the incident location, and that § 87(2)(b) was in the bed on the other side of the room at both points during which PO DeFrancesco used profanity. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

#### **Allegation (B) Abuse of Authority: Police Officer Richard DeFrancesco threatened to arrest**

§ 87(2)(b)

It is undisputed that while speaking with § 87(2)(b) in the bedroom, PO DeFrancesco told him that if the officers come back, then everybody is going to jail.

§ 87(2)(b) stated that when the officers arrived, nothing was going on. § 87(2)(b) was in the bedroom and § 87(2)(b) was in the living room. § 87(2)(b) and § 87(2)(b) were no longer fighting or having any conversation at this point. § 87(2)(b) believed § 87(2)(b) had calmed down because she knew he had called 911. § 87(2)(b) made no mention of PO DeFrancesco mentioning him going to jail during the incident.

EVENT # § 87(2)(b) (BR 16) shows that at 10:10 PM on February 2, 2022, § 87(2)(b) called 911 and reported that his girlfriend was attacking him with a pot. § 87(2)(b) was uncooperative, unclear, and was slurring his words. At 10:11 PM, EMS was dispatched to the incident location. At 10:19 PM, the dispatcher called § 87(2)(b) and notified him that the officers were on scene. The beginning of PO DeFrancesco’s BWC (BR 01), shows that the officers arrived at 10:17 PM.

PO DeFrancesco stated that he told § 87(2)(b) that if the officers came back, then everybody was going to jail to inform § 87(2)(b) that if he and § 87(2)(b) kept antagonizing each other and disputing with each other, then they could go to jail. PO DeFrancesco explained that when officers must keep coming back to the same location over and over, then they will remove one of the parties to make the situation peaceful for the night. PO DeFrancesco stated that in making this statement, he was probably thinking about the fact that both parties were drunk, being disorderly, showing no regard for each other, and being dangerous to each other. PO DeFrancesco thought that if he came back because § 87(2)(b) and § 87(2)(b) called 911, it would be because one of them was injured, which could lead to them both getting arrested for assault 2 (misdemeanor assault), harassment, or disorderly conduct. PO DeFrancesco would also want to prevent a physical dispute from taking place, such as something more serious than someone being hit with a pillow. If PO DeFrancesco were to come back to the location, he could still use his discretion, but he could not continuously give both parties chances because domestic violence is a big deal and separation for the night can keep someone safe.

PO Defrancesco stated that there was nothing specific that he threatened to arrest § 87(2)(b) for. PO Defrancesco explained that every arrest would depend on the reason the officers are called back to the scene. PO Defrancesco stated that § 87(2)(b) could have been arrested for disorderly conduct during the incident. During his interview, PO Defrancesco said, “This was a stretch,” and that he does not like to do this. PO Defrancesco stated that § 87(2)(b) was committing disorderly conduct by continuously coming out of his room, antagonizing § 87(2)(b) and yelling. PO Defrancesco stated that if § 87(2)(b) continued to yell, act disorderly, and hinder his investigation, then he could arrest him for disorderly conduct.

PO Sejdaras stated that § 87(2)(b) could not have been arrested during the incident because no crime had been committed. PO Sejdaras did not recall if PO Defrancesco said that if the officers must come back, then everybody is going to jail, however upon viewing 10:15 to 10:26 of his own BWC footage (BR 03), which depicts this occurring, PO Sejdaras stated that if the officers had to come back, and there had been an assault, then people could be arrested because this would be a crime.

NY CLS Penal § 240.20 (BR 11) states that a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

1. He engages in fighting or in violent, tumultuous or threatening behavior; or
2. He makes unreasonable noise; or
3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or
4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or
5. He obstructs vehicular or pedestrian traffic; or
6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or
7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

Although PO Defrancesco claimed that § 87(2)(b) had committed disorderly conduct, given that the penal code specifies that a person is guilty of doing so when they act with the intent to cause public inconvenience, and that § 87(2)(b) was inside his own home, the investigation determined that § 87(2)(b) was not in violation of NY CLS Penal § 240.20, and, therefore, could not have been arrested for disorderly conduct during the incident. Furthermore, given that PO Defrancesco’s threat to arrest § 87(2)(b) if the officers had to return to the scene was vague as he did not specify the reason why § 87(2)(b) would be arrested other than calling 911, and that in his interview, PO Defrancesco acknowledged that this would depend on the reason the officers returned, while providing multiple hypothetical scenarios for why § 87(2)(b) could be arrested if the officers came back, § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation (C) Abuse of Authority: Police Officer Richard Defrancesco forcibly removed § 87(2)(b) to the hospital.**

**Allegation (D) Abuse of Authority: Police Officer Besmir Sejdaras forcibly removed § 87(2)(b) to the hospital.**

It is undisputed that § 87(2)(b) was drinking vodka before the officers arrived. PO Defrancesco and PO Sejdaras spoke with § 87(2)(b) and § 87(2)(b) inside their apartment while EMTs were present. The officers told § 87(2)(b) that he was going to the hospital, handcuffed him, and brought him to an ambulance to transport him to § 87(2)(b) Hospital.

§ 87(2)(b) stated that on the night of the incident, he had a pint of vodka. § 87(2)(b) did not know what § 87(2)(b) had to drink, but he believed she may have had a pint of something as well. When the officers arrived, § 87(2)(b) told them that he was arguing with § 87(2)(b) and that he wanted them to tell her to stay in the other room. After speaking with § 87(2)(b) for two

minutes, the officers went into the living room to speak with § 87(2)(b). § 87(2)(b) did not hear any of § 87(2)(b) conversation with the officers and he never learned of what they spoke about. Approximately five minutes later, the officers returned to § 87(2)(b) bedroom, said, “Let’s go,” and told him to put his hands behind his back. The officers said that § 87(2)(b) was intoxicated. While at the hospital, § 87(2)(b) briefly spoke with a nurse in the hallway of the emergency room. The only question the nurse asked § 87(2)(b) was if he was okay, to which he responded that he was fine. § 87(2)(b) left the hospital approximately five to 10 minutes after he arrived. § 87(2)(b) had been removed to the hospital more than once prior to the incident, but he did not know how many times this had occurred. § 87(2)(b) agreed to sign HIPAA forms and return them to the investigator via mail; however he ultimately failed to do so.

PO Sejdaras and PO Defrancesco both brought print-out copies of past intoxication-related AIDED cards, Domestic Incident Reports (DIR), and 911 calls involving § 87(2)(b) and his residence, which they provided to the investigation (**BR 14-15**). PO Defrancesco believed he responded to the incident location more than once prior to the incident. PO Defrancesco specifically recalled one incident involving § 87(2)(b) and § 87(2)(b) being drunk and fighting. PO Defrancesco was not involved in removing § 87(2)(b) to the hospital during any prior incidents, however he was aware of § 87(2)(b) having been removed to the hospital in the past. Prior to this incident, PO Defrancesco did not view any documentation regarding § 87(2)(b) and § 87(2)(b). § 87(2)(b) AIDED history was not a consideration during the incident. PO Sejdaras stated that this incident was the first time that he responded to the location, and he was not involved in any incidents associated with the paperwork that he provided to the CCRB. PO Defrancesco told PO Sejdaras during the incident that he had been to the incident location before, but he did not provide any specific details to PO Sejdaras about this.

PO Defrancesco and PO Sejdaras both stated that EMS was on scene during the incident, but they did not recall how EMS was dispatched. PO Defrancesco stated that once the officers were inside the apartment, § 87(2)(b) said that § 87(2)(b) drinks a lot and that he told her he was going to hurt himself to make it look like she did it. PO Sejdaras and PO Defrancesco both stated that § 87(2)(b) said § 87(2)(b) hit him, but when the officers repeatedly asked him what happened, he would not provide them with details about this. PO Defrancesco stated that at one point, § 87(2)(b) approached him and got in his face. PO Sejdaras stated that § 87(2)(b) was slurring his speech, he had watery eyes, and he smelled of alcohol.

PO Defrancesco and PO Sejdaras both stated that § 87(2)(b) said that § 87(2)(b) asked her for a pillow, and she threw it at him. PO Sejdaras believed that § 87(2)(b) was intoxicated and stated that she smelled like alcohol as well, but she was calmer and more reasonable than § 87(2)(b). PO Defrancesco also stated that § 87(2)(b) appeared to be intoxicated, but she was acting levelheaded, so he was not concerned about her. PO Defrancesco stated that § 87(2)(b) was being disorderly from the onset of the incident. § 87(2)(b) continuously came out of the bedroom as PO Sejdaras was speaking with § 87(2)(b). PO Sejdaras stated that § 87(2)(b) said, “This is what he does every time he gets drunk, he wants to fight with me.” § 87(2)(b) did not mention whether § 87(2)(b) wanted to fight with her physically or verbally. PO Sejdaras stated that the EMTs spoke with the parties inside the apartment. The EMTs told § 87(2)(b) that he was not doing anything wrong because he could drink at home, but he could not act up and make § 87(2)(b) feel unsafe. PO Sejdaras did not speak to EMS about § 87(2)(b). PO Defrancesco stated that the EMTs made small talk with § 87(2)(b) while they were inside the apartment.

PO Defrancesco and PO Sejdaras stated that § 87(2)(b) and § 87(2)(b) agreed to go to bed, to stop fighting, and to not interact with each other anymore. PO Defrancesco and PO Sejdaras stated that they left with the EMTs because § 87(2)(b) and § 87(2)(b) agreed to stay in separate rooms. PO Defrancesco knew § 87(2)(b) was drunk, but since he said that he was going to bed, he hoped that he would be fine.

PO Defrancesco and PO Sejdaras both stated that as they were outside the building in their vehicle, with EMS was still on scene, § 87(2)(b) approached the officers. PO Defrancesco stated

that § 87(2)(b) said something to the effect of, “He’s doing it again” and explained that § 87(2)(b) was not listening, and he was “starting up” with her again. PO Defrancesco believed § 87(2)(b) was telling the officers that § 87(2)(b) was repeating his behavior from before, which involved him antagonizing her, arguing with her, being drunk, and refusing to separate from her. PO Defrancesco stated that based on this information, he believed that § 87(2)(b) was disregarding what the officers and both parties agreed on when they left, which was that they would separate. § 87(2)(b) did not inform the officers of anything else. PO Sejdaras stated that he did not recall exactly what § 87(2)(b) told the officers, but it was something to the effect of, “He’s too drunk. I don’t feel safe with him. You gotta do something.” PO Sejdaras believed § 87(2)(b) did not feel safe with § 87(2)(b) because he wanted to fight, however, she did not describe this to the officers any further. PO Sejdaras did not recall anything else that § 87(2)(b) told the officers when she came outside.

PO Defrancesco and PO Sejdaras stated that they decided to remove § 87(2)(b) to the hospital because he was intoxicated. PO Sejdaras stated that the purpose of removing § 87(2)(b) to the hospital was so that he could sober up because the officers wanted to deescalate the situation for both § 87(2)(b) and § 87(2)(b) safety by preventing them from having a confrontation with each other. PO Defrancesco did not recall exactly what the EMTs said at this point, but they said something to the effect of, “He’s intox, he has to go.” PO Defrancesco did not recall any conversation with the EMTs about removing § 87(2)(b) to the hospital. PO Defrancesco stated that if the EMTs were not on the same page as the officers, then they would have told them this. PO Sejdaras stated that the EMTs agreed with the officers’ decision to remove § 87(2)(b) to the hospital, and they told § 87(2)(b) that he could not call the police and get officers involved when his significant other does not feel safe with him.

PO Defrancesco and PO Sejdaras believed that § 87(2)(b) was incapable of taking care of himself and that he was a threat to himself because he was intoxicated. PO Defrancesco was concerned that § 87(2)(b) could choke on his vomit in his sleep, fall and hurt himself, get alcohol poisoning, or get violent. PO Sejdaras was concerned that § 87(2)(b) could fall and get hurt, he could drink more, or he could start a fight with § 87(2)(b). PO Sejdaras was concerned about § 87(2)(b) falling because he was not acting normal, he was unable to stand, he was slurring his speech, and he appeared to be intoxicated. PO Sejdaras was also concerned about § 87(2)(b) falling because when he tried to put his pants on after the officers told him that he was going to the hospital, he could barely stand on his own. There was nothing else that led PO Sejdaras to believe § 87(2)(b) could fall.

PO Defrancesco and PO Sejdaras believed that § 87(2)(b) was a threat to others because he was intoxicated. PO Defrancesco did not feel comfortable with § 87(2)(b) and § 87(2)(b) being around each other since the officers were unable to leave them alone for five minutes. PO Sejdaras was concerned for § 87(2)(b) safety because she was the one who was concerned about § 87(2)(b). § 87(2)(b) felt that § 87(2)(b) was going to continue to argue with her all night. Earlier in the incident, PO Sejdaras observed vodka left in the bottle that § 87(2)(b) had been drinking from. PO Sejdaras had told § 87(2)(b) to not let § 87(2)(b) drink anymore. Because of this, PO Sejdaras was concerned that § 87(2)(b) was going to try to drink the rest of the vodka, and if § 87(2)(b) stopped him, then their dispute could become physical. When asked if there was anything specific that made him believe that § 87(2)(b) could harm § 87(2)(b), PO Sejdaras stated that § 87(2)(b) was not thinking right, so anything could have been possible. § 87(2)(b) did not verbally or physically threaten § 87(2)(b) during the incident, but he kept saying that she was crazy, and that he needed to get himself a new girl.

EVENT # § 87(2)(b) (BR 16) shows that at 10:10 PM on February 2, 2022, § 87(2)(b) called 911 and reported that his girlfriend was attacking him with a pot. § 87(2)(b) was uncooperative, unclear, and was slurring his words. At 10:11 PM, EMS was dispatched to the incident location. At 10:19 PM, the dispatcher called § 87(2)(b) and notified him that the officers were on scene. The beginning of PO Defrancesco’s BWC (BR 01), shows that the officers arrived



at 10:17 PM.

At 06:17 into PO DeFrancesco's BWC footage (**BR 01**), § 87(2)(b) tells PO DeFrancesco that § 87(2)(b) told her that he was going to cut himself. At 07:23, § 87(2)(b) gets up from the bed and says, "I'm 52-years-old Bro, you're fucking 22, probably" as he approaches PO DeFrancesco. PO DeFrancesco tells § 87(2)(b) not to approach him like that. At 07:36, § 87(2)(b) returns to the bed and says, "Close the fucking door. I'm gonna call another police. I want a sergeant here." § 87(2)(b) is slurring as he speaks with PO DeFrancesco.

At 06:45 into PO Sejdara's BWC video (**BR 03**), he asks § 87(2)(b) if § 87(2)(b) is on medication and she says that he should be, but he is not. PO Sejdara asks if § 87(2)(b) is diagnosed with anything and § 87(2)(b) says she thinks § 87(2)(b) is bipolar. § 87(2)(b) says that § 87(2)(b) he drinks vodka like water and that he is drunk. At 08:52, the officers ask § 87(2)(b) if he wants to go to the hospital and he says no. At 12:08, the officers repeatedly tell § 87(2)(b) to go to his room. At 14:00, PO Sejdara says § 87(2)(b) has to go to his room or go to the hospital. At 14:50, PO DeFrancesco tells § 87(2)(b) that if this keeps happening, then everybody is going in the ambulance. At 15:20, the officers leave the apartment.

At 00:18 into PO Sejdara's BWC footage (**BR 04**), he and PO DeFrancesco exit their vehicle as § 87(2)(b) is standing outside on the sidewalk. The ambulance is parked behind the officers' vehicle. The officers appear to be speaking with § 87(2)(b) but the audio component of the video does not activate until 01:00. At 00:38, PO DeFrancesco appears to be speaking to the EMTs, who are sitting in the ambulance. At 01:18, PO Sejdara and PO DeFrancesco go to the bedroom inside the apartment and tell § 87(2)(b) that he is going to the hospital for "intox." At 02:09, one of the EMTs is depicted inside the bedroom. § 87(2)(b) says, "I'm straight as a barrel." The EMT says, "You're not straight as a barrel, Bro" and tells him to get dressed. At 07:00, the officers tell § 87(2)(b) to go to the ambulance and he repeatedly says he wants a sergeant. At 07:29, the officers handcuff § 87(2)(b) and escort him to the ambulance. At 11:23, § 87(2)(b) is in the back of the ambulance and one of the EMTs says, "Your girlfriend or your wife, she doesn't feel comfortable with you home." § 87(2)(b) appears to be intoxicated as he is slurring and agitated throughout the footage.

Patrol Guide Procedure 221-13 (BR 13) states that when officers reasonably believe that a person who is apparently mentally ill or emotionally disturbed must be taken into protective custody because the person is conducting himself in a manner likely to result in a serious injury to himself or others, they must take him into custody and have him removed to the hospital in an ambulance.

Although BWC footage does not capture the audio of the conversation between § 87(2)(b) and the officers after they left the first time, given that the footage shows that she came down to speak with the officers shortly after they left, which prompted them to return to the apartment, and that § 87(2)(b) had informed the officers that § 87(2)(b) threatened to cut himself prior to their arrival, the investigation credited the officers' statements that § 87(2)(b) told them that she did not feel safe with § 87(2)(b) and that § 87(2)(b) was intoxicated. Furthermore, § 87(2)(g) the EMTs were present during both times the officers were inside the apartment and did not object to § 87(2)(b) removal at any point, § 87(2)(g)

§ 87(2)(g), § 87(4-b)

§ 87(2)(g), § 87(4-b)

#### Civilian and Officer CCRB Histories

- § 87(2)(b)  
[REDACTED]
- § 87(2)(b)  
[REDACTED]
- PO Defrancesco has been a member-of-service for five years and has been a subject in one CCRB complaint and three allegations.
  - 202201236 involves allegations of threat of arrest and discourtesy and the case remains open.
  - § 87(2)(g) [REDACTED]
- PO Sejdaras has been a member-of-service for five years and this is the first CCRB complaint in which he has been named a subject.

#### Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- On February 3, 2023, a Notice of Claim search request was submitted to the NYC Comptroller's Office, the results of which will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]

Squad: 16

Investigator:	<u>Inv. Dean</u>	<u>Inv. Dean</u>	<u>2/22/23</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Patrick Yu</u>	<u>IM Patrick Yu</u>	<u>02/23/2023</u>
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date